

**From:** [Francis Coats](#)  
**To:** [CSLC CommissionMeetings](#)  
**Subject:** Comments for California State Lands Commission Meeting of March 24, 2023  
**Date:** Friday, March 10, 2023 8:00:07 PM

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Please treat these comments as related to the meeting scheduled for March 24, 2023.

With respect to the proposed transfer of state-owned land, please assure that any transfer of land by the commission include an express reservation, in the people of the absolute right to fish on the land proposed for transfer as provided in section 25 article I California Constitution

With respect to the proposed sale, lease or rental of land on or near navigable water and which provides the only convenient access to that water, please assure that convenient access is reserved to the people as provided in Public Resources Code section 6210.4.

With respect to the proposed sale, lease or rental of land which provides the only convenient access to other state-owned land, please consider reserving convenient access to the other state-owned land across the land to be sold, lease or rented, as provided in sections 66210.5 and 6210.6.

In making any decision related to the sale, transfer, lease or rental of state-owned land, please be sure to consider the effect of any decision on public access to and use of navigable waters and public access to and use of state-owned land for fishing and for access to and use of formerly state-owned land transferred out of state ownership after 1910; avoid so far as feasible impairing that access and use; and, provide this consideration in a public coherent fashion facilitating public participation in the decision making.

In determining what is convenient access, please recognize that for example access at Sacramento is not convenient access at Woodland, particularly for bank fishermen walking to the bank or shore from the nearest public road and public parking.

Note that the only case interpreting the first clause of section 25 article I of the California constitution is California v. San Luis Obispo Sportsmans' Assc. (1978) 22 Cal. 3d 440. In particular note that the San Luis Obispo case contains an express disapproval of language in In re Emmett Quinn interpreting the language in Quinn on the meaning of public land of the state as used in section 25. Any reference to Qin re Quinn on the subject is improper. And misleading.

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**From:** [Matthew Herron](#)  
**To:** [CSLC CommissionMeetings](#)  
**Cc:** [Tammy Dos Santos](#)  
**Subject:** Commission Meeting Questions  
**Date:** Tuesday, March 14, 2023 10:30:44 AM  
**Attachments:** [2023-02-22 Petition for Writ of Mandate.pdf](#)

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

I would like to make the Commission Staff aware of the recently filed case concerning the ongoing private use of the Coronado Yacht Club.

The lease with the San Diego Unified Port District expires at the end of this year and the purpose of the case is to compel a public bid for this space rather than its continuation as a private club. The Petition is attached.

I do not know if it is proper to bring this matter up at the March 24 Meeting. Thank you.

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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**02/22/2023** at 11:15:07 AM  
Clerk of the Superior Court  
By Brenda Ramirez, Deputy Clerk

5 *In Pro Per*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO**

11 MATTHEW V. HERRON, ) Case No. 37-2023-00007819-CU-WM-CTL  
12 )  
13 Petitioner, ) **PETITION FOR WRIT OF MANDATE**  
14 )  
15 v. )  
16 SAN DIEGO UNIFIED PORT DISTRICT, )  
17 CORONADO YACHT CLUB and DOES 1 )  
18 through 10, inclusive, )  
19 Respondent. ) JUDGE:  
20 ) DEPT:  
21 ) Petition Filed:  
22 \_\_\_\_\_ )

23 1. Petitioner Matthew V. Herron is a resident of Coronado, California and brings this  
24 Petition as a member of the public and a beneficiary of the public trust described in this Petition.

25 2. Respondent San Diego Unified Port District (hereinafter "Port") is a governmental  
26 agency and a trustee of the public trust lands described in this Petition.

27 3. As described herein, the Port has breached and continues to breach the public trust in  
28 the manner described.

1. This Petition is to request the court enter the appropriate orders to correct this  
ongoing breach of trust.

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1           5.       Respondent Coronado Yacht Club (hereinafter “Club”) is a private club illegally  
2 operating on public trust land located at 1631 Strand Way, Coronado California 92118 (hereinafter  
3 “Public Trust Property”).

4           6.       The true names or capacities, whether individual, corporate, associate or otherwise, of  
5 Respondents, DOES 1 through 10, and each of them, are unknown to Petitioner, who therefore sues  
6 said Respondents by such fictitious names, and Petitioner will amend this Complaint to show their  
7 true names and capacities when the same have been ascertained. Petitioner is informed and believes  
8 and thereon alleges that each of the Respondents designated herein as a DOE is responsible in some  
9 manner for the events and happenings herein referred to, and caused injuries and damages  
10 proximately thereby to the Petitioner as herein alleged.

11          7.       Petitioner is informed and believes and thereon alleges that it at all times herein  
12 mentioned, Respondents, and DOES 1 through 10, and each of them, were the agents, servants,  
13 employees, assistants, consultants, and the like of the Respondents, and each of them, and in doing  
14 the things hereinafter alleged, were acting within the course, scope, and authority of said agency and  
15 employment.

16          8.       The Port acquired the Public Trust Property pursuant to conveyance from the City of  
17 Coronado which was ordered by the San Diego Unified Port District Act codified at Cal. Harbor and  
18 Navigation Code Appx. I section 1 *et seq.* (hereinafter “Act”).

19          9.       The Port holds and administers the Public Trust Property under the Act, which  
20 includes, at section 87(a) restrictions on use for which there is a “general statewide public interest.”  
21 The detailed enumerated authorized uses do not allow for the private Club’s use, which excludes the  
22 public.

23          10.       The Port is also a trustee of the Public Trust Property for the benefit of the public,  
24 subject to the fiduciary duties imposed by common law and by Cal. Public Resources Code section  
25 6009 *et seq.* (hereinafter “Code”).

26          11.       The Port has breached its fiduciary duties as well as its duties under the Act and the  
27 Code by leasing the Public Trust Property to the Club for private use. The Port has done so at least  
28 three times.

1           12.     Besides these leases violating the Act, Code and common law of public trusts, the  
2 Port has violated its own Master Plan and the principles enumerated in the 2014 Vision Statement  
3 and Guiding Principles (hereinafter “Vision Statement”). The leases would also violate the new  
4 Master Plan, based on the most current draft released to the public.

5           13.     Each of the three leases were entered into without notice to the public and without  
6 soliciting competing bids to use the Public Trust Property.


7           14.     The term of the existing lease expires December 31, 2023 and, unless ordered  
8 otherwise by this court, the Port will enter into another illegal lease for a private club which  
9 excludes the public in further violation of the Port’s duties and its own regulations.

10          15.     The Court should order the Port to fully comply with its procedures for soliciting bids  
11 for operators to manage the Public Trust Property, for the benefit of the public at large, and not as a  
12 private club, and to award the lease to the qualified applicant who will operate the Public Trust  
13 Property, for the benefit of the public at large, in compliance with the Act, Code, common law  
14 principles and the Port’s Master Plan and Vision Statement.

15           WHEREFORE, Petitioner requests the Court grant this Petition, enter the appropriate orders,  
16 and award costs and attorney’s fees.

17 Dated: February 22, 2023

herronlaw, apc

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19 B, 

Matthew V. Herron  
*In Pro Per*

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